

August 20, 2004

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: *Petition for Agreement with Redefinition of Service Area Requirement for Certain Rural Telephone Company Study Areas in the State of North Dakota Pursuant to 47 C.F.R. § 54.207(c)*, CC Docket No. 96-45 (filed Jun. 3, 2004)

Dear Ms. Dortch:

The above-referenced Petition seeks the Federal Communications Commission's ("Commission") agreement, under 47 U.S.C. § 214(e)(5), with the North Dakota Public Service Commission's ("NDPSC") decision to redefine the service area requirement in connection with its decision to grant Petitioners¹ eligible telecommunications carriers ("ETC") status throughout their respective North Dakota licensed service areas.

This letter clarifies the NDPSC's redefinition decision of certain local exchange carrier ("LEC") study areas in connection with granting Petitioners' ETC status. Specifically, although the NDPSC's designation of each *individual* Petitioner in some cases required redefinition below the wire center level of certain LECs, the Petitioners *collectively* serve the entirety of all partial wire centers in their service territories except for eight wire centers in North Dakota RSA No. 3.² In other words, where the NDPSC granted redefinition below the wire center level in one Petitioner's designation, the remainder of the wire center is served by one of the other designated Petitioners (a co-applicant). Thus, with a very small number of exceptions, the Petitioners *collectively*, serve the entirety of the affected wire centers.

¹ Northwest Dakota Cellular of North Dakota Limited Partnership; North Central RSA 2 of North Dakota Limited Partnership; North Dakota RSA No. 3 of North Dakota Limited Partnership; Badlands Cellular of North Dakota Limited Partnership; North Dakota 5 – Kidder Limited Partnership; and Bismarck MSA Limited Partnership.

² The eight wire centers in North Dakota RSA No. 3 are West Oslo, Dahlen, Galesburg, Page, Tower City, Nome, Enderlin and Sheldon.

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As described in the Petition, Petitioners received individual ETC designations from the NDPSC for service areas coterminous with their licensed territories. The ETC designations and redefinition decisions of the NDPSC were based on the stipulations and agreements of the incumbent LECs in North Dakota. As can be seen on the attached map, the state of North Dakota is divided into eight cellular license areas. Petitioners are licensed and currently serve six of the eight markets – all except for Fargo and Grand Forks. Thus, Petitioners, as a group, serve the entire state of North Dakota except for the Fargo and Grand Forks markets. The attached map illustrates that each Petitioner's service area is adjacent to another Petitioner's service area. Except for the small number of cases noted above, the remainder of each partial wire center served by one Petitioner is in fact served by another co-applicant -- the Petitioner in the adjacent wireless license area. The only exceptions are the eight wire centers east of North Dakota RSA No. 3 that lie partially in the Fargo and Grand Forks markets. Although the licensees in Grand Forks and Fargo did not seek ETC status, Petitioners' customers in North Dakota RSA No. 3 nevertheless have access to commonly branded, functionally identical services throughout the state of North Dakota due to affiliations between those licensees and Petitioners. Moreover, Petitioners and the licensees in the Fargo and Grand Forks markets share the same network, common switching and interconnection facilities to provide seamless coverage to customers of North Dakota.³

We hope this information is helpful to the Commission as it considers the Petition. Please direct any questions regarding this filing to the undersigned.

Sincerely,

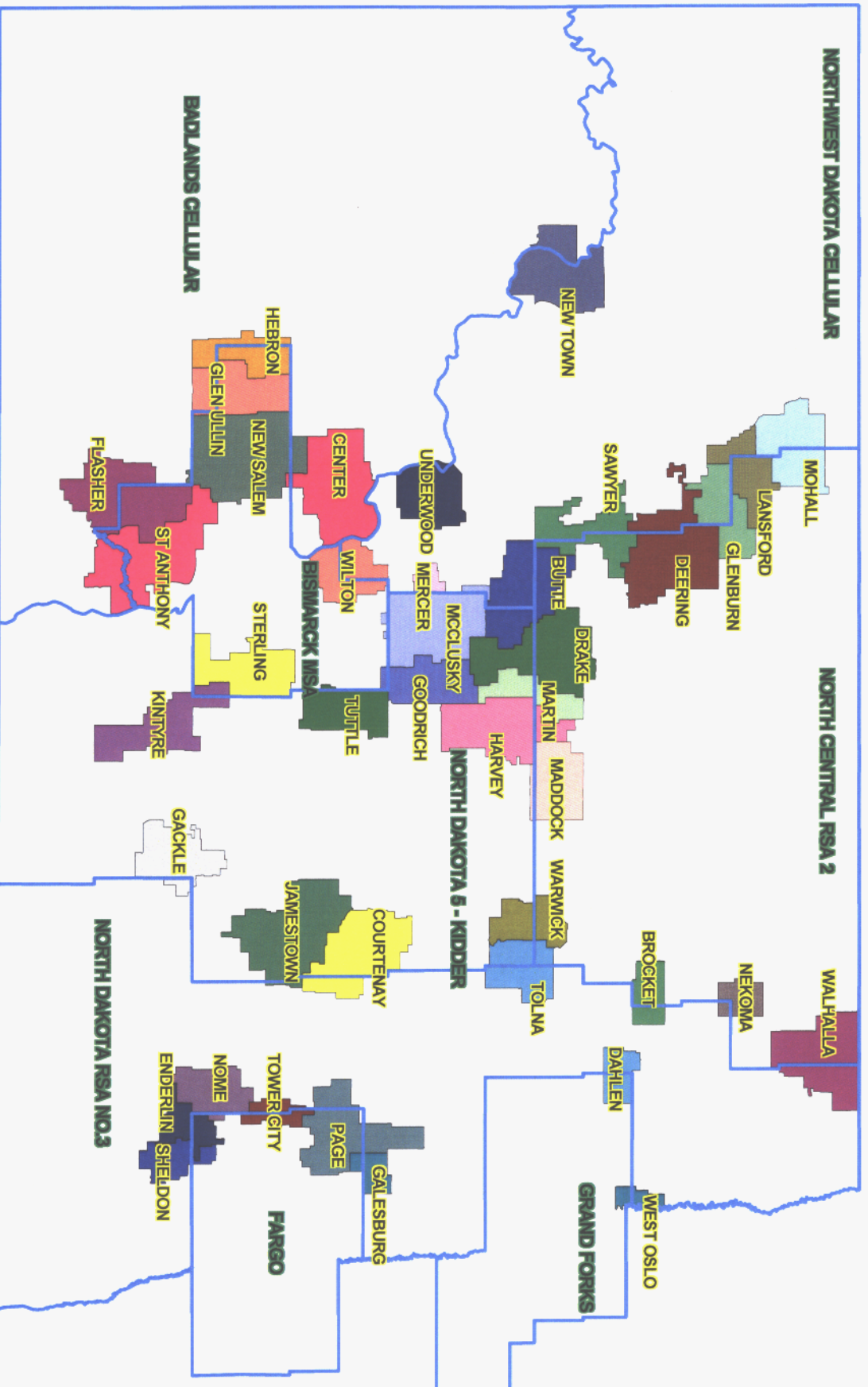
WILKINSON BARKER KNAUER, LLP

By: /s/
L. Charles Keller

Enclosure

³ Should the Commission impose a requirement to serve complete rural wire centers as a condition of concurrence, Petitioner North Dakota RSA No. 3 would respectfully withdraw those eight partial wire centers from this Petition.

Partial Wire Centers in North Dakota Service Area (overlaid on wireless license areas)



* Petitioner names appear in green highlighting; wire center names appear in yellow highlighting

** Wire centers served entirely by one Petitioner are not depicted